

Application No. 10/070,776

Filed: April 8, 2002

TC Art Unit: 3635

Confirmation No.: 9662

REMARKS

Applicant thanks the Examiner for the helpful telephone discussion on December 2, 2003, in which the prior art references Nicot and Rowlands were discussed, as set forth further below.

Claims 1-3, 8-20, 29-31, 33-36, 42, and 43 have been rejected under § 102(b) over Nicot et al. (FR 2,619,531 A1). Claims 4-7, 37, 38, 40, 41, 46, and 47 have been rejected under § 103(a) over Nicot et al. Reconsideration and withdrawal of this rejection is respectfully requested for the following reasons.

Nicot was discussed in the present application at page 4, line 24, to page 5, line 8. Nicot discloses a rail section for stretched fabric partitions, the section comprising one groove defined by two lateral walls, and a base wall, the groove being designed to contain at least one edge of the stretched fabric after it has been mounted in the rail section. The rail section of Nicot, however, does not comprise a joint for keeping the edge of the stretched fabric pinched in the groove between the joint and an internal face of one of a lateral wall. Rather, the edge of the stretched fabric has a harpoon fixed on it, this harpoon being supported both on an abutment of a long wing and on the mobile tongue L. Thus, the harpoon (fish-hook) of Nicot cannot be said to

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be kept in the groove by a joint in the manner recited in the presently claimed invention.

Furthermore, the tongue L of Nicot is not made of a different material having a property of flexibility differing from that of the material constituting the walls of the groove, as in the presently claimed invention. There is no disclosure or suggestion in Nicot that the tongue L is or could be made from a different material than the rest of the rail section. The black part (reference R) in tongue L does not mean that another material is used for the tongue, but only represents holes, of rectangular shape (20 mm long, 2 mm wide), made in the tongue for ventilation purposes (see the second page of drawings in Nicot).

Accordingly, claims 1 and 33 and the claims dependent therefrom are believed to be patentable over Nicot.

During the telephone interview, the Examiner mentioned the patent to Rowlands for a teaching of coextruding different materials. Applicant notes that Rowlands relates to a floor mat holder in which elements such as a hinge 16 and nose 20 may be coextruded with a different grade of plastic material. The hinge 16 hingedly connects a flap 14 to a wall 10. The hinge 16 and the nose 20 give resiliently to allow the nose 18 of the flap 14 to snap past the corner 22 when the flap is closed (col. 2, lines

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20-28). The flap 14 and corner 22 are, however, formed of a same material. Thus, Rowlands does not disclose, teach, or suggest forming an element such as the tongue L of Nicot of a material having a property of flexibility different from that of a wall.

Regarding dependent claim 2, Nicot again does not disclose a joint that partially seals off the opening of the groove for retaining the edge of the stretched fabric. Accordingly, this claim is believed to be patentable thereover for this reason as well.

Regarding claim 5, the Examiner notes that the phrase "approximately perpendicular" refers to a slightly angled joint. Applicant notes that support for the "approximately perpendicular" lip in addition to the angled lip can be found in the specification at page 6, lines 23-25, as follows: "[T]he single lip of the joint extends approximately perpendicularly or along an angle of several degrees and about 65° with respect to the support wall." Nicot does not disclose a tongue that extends perpendicularly to its support wall.

Regarding claims 30 and 31, Nicot does not disclose or suggest that the joint is formed of a second, more flexible material. As noted above, the tongue L in Nicot is flexible because it is thin and perforated (see the openings R therein).

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The flexibility induced by this shape and the perforations differs from flexibility obtained by the provision of a double material rail section, the joint being made of a flexible PVC, the rest of the rail section being made with a rigid PVC.

The joint as claimed by Applicant can serve to keep the edge of the stretched fabric in the groove, the fabric being kept in place by pinching the fabric between the joint and the internal wing of the groove, as represented in Fig. 1 of the present application. In Nicot, in contrast, the harpoon cannot be and is not maintained in the groove by the tongue L, this tongue being thin and flexible. Rather, the harpoon rests on an abutment of the internal wing, no contact between the harpoon and the tongue being shown in the extreme part of the harpoon. Accordingly, these claims are believed to be patentable over Nicot for these reasons as well.

Regarding claim 35, Nicot does not disclose or suggest a groove having two lateral walls of identical heights. Thus, this claim is also believed to be patentable thereover.

Claims 39 and 48 have been rejected under § 103(a) over Nicot et al. in view of Scherrer (FR 2 630 476 A1). These claims are believed to be patentable for the reasons set forth above with

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respect to claims 1 and 33. Accordingly, no further comment thereon is believed necessary at this time.

Applicant notes with appreciation the indication of allowable subject matter in claims 21-28, 32, 44, and 45. These claims are also believed to be allowable for the reasons set forth above with respect to claim 1.

The specification has been objected to for several informalities. Section headings and a brief description of the drawings have been added to the specification. Accordingly, this objection is believed to be overcome.

Claims 6-11, 14, 15, 17-20, 22, 24, and 30-48 have been rejected under 35 U.S.C. § 112, second paragraph. The various matters noted by the Examiner have been addressed. Accordingly, this rejection has been overcome.

In view of the above amendments and remarks, all claims are believed to be in condition for allowance, and reconsideration and indication thereof are respectfully requested.

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite prosecution of the present application.

Respectfully submitted,

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